IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

United States Patent Application

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Applicant(s): .....Marilyn F. Penman,
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Group Art Unit: 1744
Examiner: ..... Conley, Sean Everett
Attorney's Docket Number: 4483P
Title:.."AROMATIC CONTAINER HEATER"

DECLARATION UNDER 37 C.F.R. 132

I, Richard E. Penman, declare as follows:

1. Exhibits A, B, C, D, and E accompany this declaration.

2. I am a coinventor of the above captioned patent application, and an officer of the assignee, Penman Enterprises, LLC.

3. I have Bachelors degree in Electrical Engineering Technology and Applied Physics.

4. I have read the Office Action mailed 23 November 2005, and am familiar with the grounds of rejection of claims, and have read the references cited therein.

5. I have read the Amendment that accompanies this Declaration and am familiar with the amendments to the claims.

6. I believe that there are elements in the currently amended claims that render them novel and unobvious.

7. The construction of the flexible and configurable conductor assembly of the present invention allows a user to place the heater on candle containers of various configurations and in

various locations on the container. Accordingly the user is not constrained to a particular configuration.

8. The flexible and configurable conductor assembly allows the invention to be used on round, square, and odd shaped candle containers, and is unlike prior-art systems with constructions that restrict the size and/or shape of the candle container that can be used. The user of the present invention has the choice of essentially any candle container, giving the user a wider choice of candle aromas.

9. A major advantage of the present invention is that the flexible and configurable conductor assembly allows the candle container to be heated at a side wall, which gives the user control over the amount of wax melted and allows for efficient release of the aroma. This is unlike prior-art candle warmers that heat the candle container at the bottom, which requires the candle melt from the bottom and the entire candle be melted before the top surface is melted and aroma is expelled. The end effect for these prior-art systems is that scent is inefficiently "cooked" from the candle as the entire candle is melted.

10. In the present invention the candle can be melted first at the top by placing the flexible and configurable conductor assembly on the side wall near the top of the candle. In Exihibit A, is shown a photograph of a candle with a container heater of the invention placed near the top on the external surface of a side wall of the container. Wax is melted at the top portion of the container (as shown by the darker color) leaving wax at the bottom unmelted (as shown by the light color).

11. Since only the wax at the top is melted, the scent is diffused much faster than if the entire candle is melted from the bottom

12. As scent is dissipated from the was at the top of the container, the container heater may be moved further down the side of the container to melt previously unmelted wax in a lower portion of the container. In Exhibit B the heater has been moved further down the side of the container from the position in Exhibit A, and the wax in a lower portion is beginning to melt.

13. In Exhibit C, the container heater has been moved to the bottom of the container. In photograph, there has been insufficient time for wax at the bottom to melt, but after sufficient time, the heater at this position will melt all of the remaining unmelted wax in the container.

14. Exhibits D and E show a different embodiment of the container heater of the invention placed respectively near the middle and the bottom of the container, and further illustrate the control of melting achievable by the present invention. The heater in Exhibits A-C shows a heater of the invention with a conductor extending entirely around the container. Exhibits D and E show a heater of the invention with a conductor (the box) extending around only a portion of the container.

15. Another advantage of the present invention derives from the control the user has over the amount of wax melted in the candle. Since only a portion of the wax need be melted, spill hazards are minimized.

16. Exhibits A-E illustrate that the invention can be applied to irregular shaped containers, and can be adapted to variable in differing container diameters. They also illustrate

that because the present invention is constructed with a flexible and configurable conductor assembly, it can be mounted on a side wall of the candle container. Accordingly, the user can use essentially any candle container.

17. The Exhibits also illustrate how efficient control the melting of the wax and of the scent release can be achieved.

18. It is believed that construction of the present invention, as recited in the claims, is not disclosed or suggested by the cited references.

19. Further, it is believed that the advantages of the present invention are not disclosed or suggested by the references. These advantages include (1) ability to use with essentially any container, and (2) ability to control of wax melting and aroma release.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Signed: 

Richard E. Penman

Date: 22 March 2006